



GREENWOOD COMMON COUNCIL JULY 18, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which Pastor Doug Caister of Sanctuary Community Church offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.
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Mr. Bates moved to accept the minutes of July 6th as presented. Second by Mr. Bless. Vote: Ayes.

Tony Boxdorfer of Thrivent Financial Solutions was invited to give a presentation about his company. They are a financial services company, whose primary market is to serve Lutherans and their families, he stated. Thrivent is also a fraternal benefits society, and does projects in churches and communities in lieu of taxes. For example, ten habitat houses will be built in his region next year, and last year they raised roughly \$225,000 for Riley Hospital (goal is \$300,000 for this year). An air show is planned to benefit police and firefighters. Right now there are 10 employees in the building and he plans to hire 3 more.

The City Attorney had distributed her litigation report. When questioned about the suit resulting because of injuries from the fireworks display, counsel replied that the insurance company sent her a letter today, and she should have an update in August. Regarding the suit against parties operating a business from their home, Ms. Koons-Davis replied that the judge will set a pre-trial conference, and there is no deadline by which that must be done.

Mr. Bates reported for the Plan Commission that the site development plan for the new fire station was unanimously approved, as were amendments for a subdivision ordinance (included in Council packets). The next meeting will be a training session on July 25th.

In response to Mr. Gibson, the Mayor reported that the Solid Waste Management Board did meet on their budget but took no action. They plan to act on the budget at the September meeting.

Mr. Bless, for the Meet & Confer Committee, reported that they are requesting a third week of vacation after five years (currently after 10 years). They did not reach an agreement on the issue.

RESOLUTION No. 05-11 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 10.0 Acres Located on the South Side of Demaree Road, West of Honey Creek Road and South of Woodfield Subdivision, Referencing Annexation Ordinance No. 05-08. Mr. Bates moved to pass Resolution No. 05-11 through first reading. Second by Mr. Hardin. Mr. Armstrong asked if the property north of Stones Crossing and east of Honey Creek had already been annexed – the Mann Properties, where rezoning was denied but annexation granted. Planning Director Ed Ferguson clarified that the property on the corner by the church is not in the City. Vote: Ayes.
PASSED FIRST READING.

ORDINANCE No. 05-08 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 10.0 Acres Located on the South Side of Demaree Road and West of Honey Creek Road, and Commonly Known as the Cobblestone, LLC Property. **POSTPONED UNTIL SEPTEMBER 7, 2005 MEETING FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 05-09 – An Ordinance Approving the Issuance of Special Taxing District Bonds for the Department of Parks and Recreation of the City of Greenwood, Indiana, in an Amount Not To Exceed \$2,000,000 to Finance the Purchase of Park Land. Mr. Deer moved to pass Ordinance No. 05-09 on first reading. Second by Mr. Bless. Executive Director Evan Springer introduced consultant Raymond Lehman along with Park Board members President Clyde Freshour, Marya Jo Butler, Dick Dietrich and Mike Sawa. Also with him were Kathy Raver from H.J. Umbaugh & Associates and Sue Beasley from Bingham McHale. At this point, Mr. Lehman gave a PowerPoint presentation to show the need for open space land. He told the Council that this need is cited in the five-year Parks Master Plan, the impact fee standards and trails master plan. Ms. Raver was next to discuss the funding for this project and tax impact of the bond issue. She highlighted that they have assumed an annual bond payment would be around \$155,000, resulting in a tax increase of 7/10 of a cent. This would mean for a homeowner living in a \$75,000 home, she said, an annual tax impact of just over \$3, for a \$100,000 home around a \$5 increase, for a \$125,000 home just over \$7, for a \$150,000 home just under a \$9 increase, for a \$175,000 home just under \$11 and for a \$200,000 home about \$12.70. This led to a discussion of the appropriateness of separating this bond issue for the purchase of land from any future aquatic center issue – as discussed in an e-mail from Assistant City Attorney Raynel Berry responding to Ms. Raver. It was pointed out that the City is actually saving money by doing two separate bond issues. Until the City is ready to proceed with plans for a possible aquatic center, the interest costs on the money borrowed on a larger “bulk” bond far exceed any amount of duplicated soft costs that may be incurred for issuing two separate, smaller bonds. Ms. Raver went into further detail. In response to Mr. Hardin, Mr. Freshour stated that there was no immediate plan to put an aquatic center on the land. Mr. Hardin offered two amendments – 1) other than trails or landscaping, any development, including an aquatic center or new buildings other than restroom facilities must be approved by the Council by a majority vote and 2) the Council retains exclusive rights to sell, subdivide, lease and/or develop the property. Mr. Armstrong requested that he split the amendment into two motions. Mr. Hardin withdrew the first motion. First, Mr. Hardin moved that, other than trails or landscaping, any development, including an aquatic center, other than restroom facilities, must be approved by the Council by a majority vote. Mr. Armstrong seconded to allow discussion. In response to Mr. Deer, counsel advised that by statute, the Council cannot control the Parks Board action, as they have the exclusive authority to control Parks property. They own the land and make the decisions. She cautioned that the Council would be overstepping their statutory authority to do this. Mr. Deer urged that the Council not vote for the amendment; calling it improper and illegal. He asserted that the City needs this land, whether any water facility is built or not. Mr. Hardin withdrew his motion, based on the recommendation of the City Attorney. Mr. Armstrong withdrew his second. Mr. Bates cited recent tax increases and said he would be more willing to accept this project next year.

Discussion moved to report on soil samples. Mr. Armstrong recounted that this was originally an 85-acre plat, and some soil samples were taken where contaminants were above the residential level but below the commercial level. Mike Sawa spoke regarding the soil report. He indicated that there is arsenic in all land; there was a higher degree in the northern part of the land originally proposed. The easiest thing to do was to eliminate that, he said, and minimize the northern boundary. Mr. Springer assured Mr. Armstrong that no samples taken in the purchase exceeded 3.9 parts per million. He will get the report to Council members. Mr. Deer commented that he considered the tax increase reasonable, and Mr. Bless added that he did not think property like this would be available in a year from now. Mr. Springer noted that the Parks Department has not had a bond issue in 30 years. Vote: Ayes – Bless, Deer, Gibson, Reed, Armstrong; Nays – Bates, Hardin. **ORDINANCE 05-09 PASSED FIRST READING.** Some Council members want an open-floor discussion at second reading, although it is not a public hearing item.

RESOLUTION No. 05-10 – A Resolution Encouraging the Indiana General Assembly, the Indiana Alcohol and Tobacco Commission, and the Johnson County Alcohol Beverage Board to Oppose Expansion of the Sale of Alcohol to Outlets Such as Gas Stations and Convenience Stores. Mr. Hardin moved to pass Resolution No. 05-10 on second reading. Second by Mr. Gibson. Mayor Henderson indicated that in checking, the issue seemed to originate from both the northern and the southern parts of the state, and could originally have come from retail liquor stores. Many communities passed a similar resolution in order to keep youth from having an easy way to get alcohol, he said. Vote: Ayes – Bless, Gibson, Hardin Reed, Bates; Nays – Deer, Armstrong. **PASSED SECOND READING.**

ORDINANCE No. 05-10 – An Ordinance to Amend the Texts of Greenwood Common Council Ordinance No. 02-12, Subdivision Control and Land Development, and Greenwood Municipal Code (1993), As Amended, Chapter 10, Article 20, Section 10-504, Subsection 20.05.01 (5); Section 10-506, Subsection 20.07.11; Section 10-511, Subsection 20.11.01; and Section 10-513, Subsections 20.13.01 and 20.13.02, to Allow Commercial Developers to Record Plats Prior to Completion of Infrastructure and to Clarify the Requirement Regarding Developer Installation of Guardrails Near Detention Ponds. **INTRODUCED.**

There were comments from both Mr. Bates and Mr. Gibson on guardrails, especially close to busy roadways. As to recording plats prior to completion of infrastructure, Mr. Ferguson explained that in previous years, our subdivision ordinance gave developers the option of either installing improvements, having them accepted by the City and then recording the plat, or posting performance guarantees and being able to record the plat immediately, thus being able to pull building permits, etc. Over the last five to ten years, he added, there have been increasing problems in residential developments. Bonds were posted, the plat recorded and building permits pulled, meaning when the City went to inspect drainage swales, erosion control would be installed and homes built, many with privacy fences. When the subdivision ordinance had major revisions two to three years ago, the requirement was changed so that improvements had to be installed and inspected first. Since there were virtually no problems with commercial and industrial developments, this ordinance will allow those developers to record plats before infrastructure is installed, to help those projects move without so much delay. Mr. Gibson suggested that all lakes or detention areas should have signage, such as many along Main Street. Ms. Koons-Davis said that such a requirement could not typically be made retroactive, since people have vested rights in the property, although she will check to see if it can be approached as a public safety issue.

ORDINANCE No. 05-11 – An Ordinance Providing For an Additional Appropriation From the City Court Late Fee Fund to the Greenwood City Court for Use in Contracting for Post-Conviction Services (\$12,000). **INTRODUCED.** Judge Lew Gregory was invited to speak to this. He explained to the Council that over a year ago the Court began studying how they handle traffic violations. Because of the unusual number of deaths in the County last year they wondered if there would be a better way and began a pilot program last September – running record checks on a certain percentage of cases, out of the 65,000 to 70,000 per year. Those with three or more moving violations in three years, should they be found guilty, were required to attend a traffic awareness program put on by the “In Memory of You” organization. The program is put on monthly. The work involved in checking these records was very time-consuming. The court discovered that they could charge a \$50 fee in lieu of a fine, through the Alcohol and Drug Services program, to finance a staff person who handles traffic checks. In June of this year they received word from the Judicial Center that they could no longer do that, as they were restricting the use of the alcohol and drug services fee. Judge Gregory told the Council that it was decided to form a “Not for Profit” organization and put the person who handles record checks on that payroll, moving \$12,000 from the Late Fee Fund. **ORDINANCE No. 05-11 INTRODUCED.**

The Council recessed at 9:10 p.m. and reconvened at 9:25 p.m.

Discussion of budgets included:

Parks Department	by Evan Springer
Planning Department	by Ed Ferguson
Street Department & LRS	by Greg Owens
Legal Department	by Shawna Koons-Davis
Fire Department	by Steve Dhondt
Clerk-Treasurer	by Jeannine Myers
Information Technology	by Rick Jones

Mr. Hardin moved to adjourn at 11:00 p.m. Second by Mr. Bates. Vote: Ayes – Bates, Hardin, Reed; Nays- Armstrong, Bless, Deer, Gibson (who stayed until 11:10 p.m. to hear the conclusion of budget discussions).